

16. (Third amendment) The insert earphone of claim 15, the tube nipple and the housing being configured and arranged to form an obtuse angle between a longitudinal axis of the tube nipple and a vertical axis of the housing, wherein the housing hangs approximately vertically along the side of a user's head when worn.

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#### **REMARKS**

Claims 1-23 remain pending in the above-identified application. Applicant acknowledges with appreciation the Examiner's allowance of claims 8-9, 12-15 and 18-23, and the Examiner's statement that the remaining claims would be allowable if rewritten or amended to overcome the objections set forth in the current Office Action. Applicant has adopted the Examiner's suggested claim language with regards to claims 1, 10 and 16. (Applicant attaches hereto as Appendix B, copies of the claims with underlining and bracketing to specifically show the amendments made.) Accordingly, Applicant respectfully submits that the objections to claims 1-7, 10, 11, 16 and 17 have been overcome.

In addition, Applicant has submitted a new Figure 1B, which discloses a larger tube portion (41) for receiving the outer portion (29), as requested by the Examiner. Applicant respectfully submits that this new Figure overcomes the Examiner's objection.

#### **CONCLUSION**

Based on at least the foregoing, Applicant believes that all claims 1-23 are in condition for allowance. If the Examiner disagrees, Applicant respectfully requests a phone interview, and requests that the Examiner telephone the undersigned at 312-775-8000.

Although Applicant does not believe any fee is due, Applicant hereby authorizes the Commissioner to charge any fees required by this submission to Deposit Account No. 13-0017.

A Notice of Allowance is courteously solicited.

Respectfully submitted,



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## **APPENDIX B**

1. (Fourth amendment) An insert earphone comprising:
  - a housing;
  - a receiver located in the housing and having an output port, the receiver for electrically coupling with an audio signal source;
  - a flexible eartip for acoustic sealing with an ear canal of a user; and
  - a tube nipple providing an acoustic pathway through at least one wall of the housing and having a first end and a second end, the first end being located within the housing and being acoustically coupled to the output port of the receiver and the second end being located externally to the housing and being acoustically coupled to the flexible eartip, the tube nipple and housing being configured and arranged to form an obtuse [wherein the] angle between a longitudinal axis of the tube nipple and a vertical axis of the housing [is obtuse], wherein the housing hangs approximately vertically along the side of a user's head when worn.
10. (Thrice amended) The insert earphone of claim 8, the rigid tube nipple and the housing being configured and arranged to form an obtuse [wherein the] angle between a longitudinal axis of the tube nipple and a vertical axis of the housing [is obtuse], wherein the housing hangs approximately vertically along the side of a user's head when worn.
16. (Thrice amended) The insert earphone of claim 15, the tube nipple and the housing being configured and arranged to form an obtuse [wherein the] angle between a longitudinal axis of the

tube nipple and a vertical axis of the housing [is obtuse], wherein the housing hangs approximately vertically along the side of a user's head when worn.